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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,044	09/26/2003	John Hilbert	51251/FLC/F392	8049
5514	7590	02/08/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			FEGGINS, KRISTAL J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2861	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,044

Applicant(s)

HILBERT, JOHN

Examiner

K. Feggins

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The Specification does not disclose how thermal energy sources, heater elements, heat is directly radiantly energy. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi (US 6195115 B1).

Yamaguchi discloses the following claimed limitations:

* regarding claim 1, a direct thermal printer/image forming apparatus/ (Abstract, fig 1);

* a direct thermal print head having an array of thermal energy sources directly radiantly coupled to a thermal print medium (col 1, lines 43-45);

* a thermal print medium drive mechanism/vertical scan means, four rollers , 4/ holding the thermal print medium/photosensitive material, 5/ in noncontacting proximity to the direct thermal print head without a thermal energy modulator interposed between the thermal print medium and the direct thermal print head (col 3, lines 2-12, fig 2);

* a controller/driver circuit, fig 3/ coupled to the direct thermal print head and the thermal print medium drive mechanism, wherein the output power of the thermal energy sources are individually controllable by the controller (col 4, lines 62-67, col 3, lines 1-5, 13-67, col 4, lines 1-15, figs 3 & 4) .

* regarding claim 2, wherein the thermal energy sources are lasers/EL, emitting light elements/ (col 2, lines 62-67, col 3, lines 1-5, figs 2 & 3);

* regarding claim 6, wherein the thermal energy sources are radiant light device/ EL, emitting light elements/(col 2, lines 62-67, col 3, lines 1-5, figs 2 & 3);

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 4 & 6 have been considered but are moot in view of the new ground(s) of rejection. Please see the above rejection Yamaguchi (US 6,195,115 B1); Yamaguchi discloses a color printer and head utilizing emitting elements to print images onto a photosensitive material.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goto et al. (US 5,909,232) disclose a thermal recording system

Art Unit: 2861

for preheating a thermosensitive recording medium and method therefor. Nacman et al. (US 6,349,641) disclose a multiple diode imaging system including a multiple channel beam modulation integrated circuit. Shirota et al. (US 6,753,896 B2) disclose a laser drawing apparatus and laser drawing method. Takeuchi (US 6,791,594 B2) disclose a laser imaging apparatus. Rudi (US 6,798,439 B2) disclose a thermal recording by means of a flying spot.

Communication With The USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talbott Dave can be reached on 571-272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


K. FEGGINS
PRIMARY EXAMINER